



Cathedral International  
Model United Nations



**WIPO**

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**STUDY GUIDE**

**AGENDAS:**

- A. International Intellectual Property Regimes as a Way to Protect and Promote the Correct Usage of Intellectual Work**
- B. Effectiveness of Content Claims and Strikes on Social Media Platforms**



**Letter from the Secretary-General**

It is my distinct honor to welcome you to the Eighth Edition of Cathedral International Model United Nations.

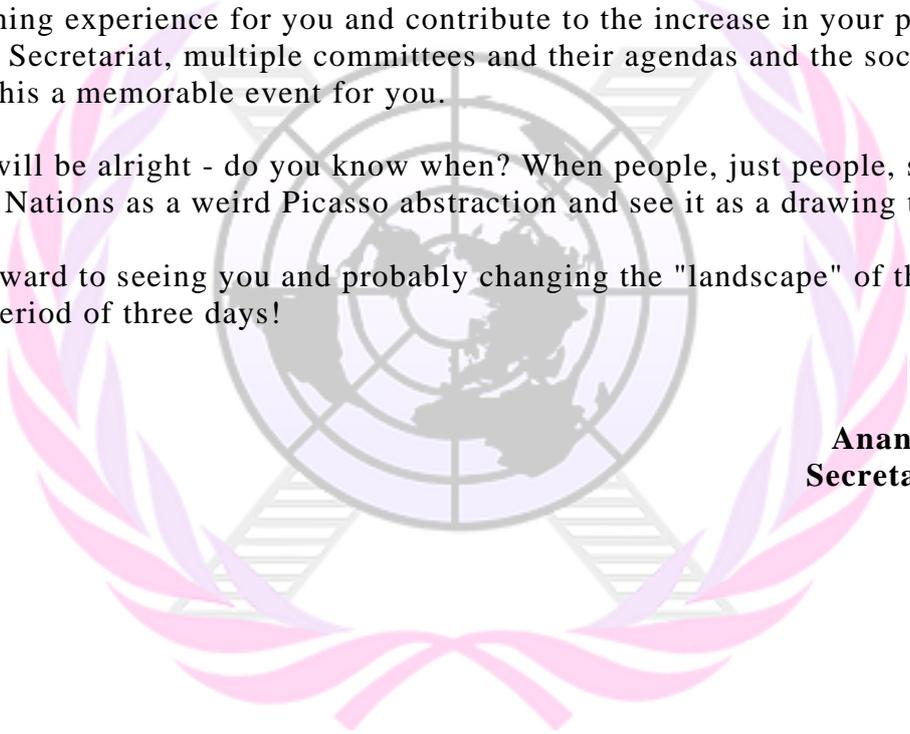
It is very important to be aware of the issues the world is facing today and involving the youth of the world in these conversations to gain their perspectives on various matters. CIMUN intends to do exactly that by providing the experience of being part of the United Nations -discussing the wide range of global problems, conversing with delegates representing various countries and arriving at potential solutions.

This will help in familiarizing students with the international situation and create diplomats, politicians and journalists who ask the right questions and even discover ways to answer them, keeping in mind, a global perspective.

As the Secretary-General of CIMUN 2019, I would like to assure you that this would be a unique learning experience for you and contribute to the increase in your potential. Our hard-working Secretariat, multiple committees and their agendas and the socials will surely make this a memorable event for you.

"Everything will be alright - do you know when? When people, just people, stop thinking of the United Nations as a weird Picasso abstraction and see it as a drawing they made themselves.

So, I look forward to seeing you and probably changing the "landscape" of the world over a brief period of three days!



**Ananya Agrawal,  
Secretary-General.**

**Letter from the Director-General**

Dear participants,

Welcoming you to the Eighth Edition of Cathedral International Model United Nations is tremendously exciting! This year things are different. It is time that we, as the future of tomorrow start looking at the world with more concern. 10 years from now this world will not be the same as it is, and as the youth of today, we are responsible for making it safer, better and more sustainable. It is our future after all right?

This year's conference strives to encourage delegates to explore the various issues that this very future that we will be living in could potentially face, through fervent debate and innovative ideas. Whether it's discoursing stronger mitigation commitments to tackle climate change or investigating defensive methods to prevent cybercrime in today's increasingly digitalized world, CIMUN is your platform to make a difference.

Delegates, journalists, chairpersons and any other stakeholder of this endeavor, it is opportunities like this MUN that help ignite the passion and concern in the hearts of people to make a difference. May you all strive to excel in your respective contribution, be it raising moderated caucuses of importance, recording the events that unfold during the committee session or guiding your committees' delegates through any difficulty.

Be prepared to change the world!

**Arushi Dahiya**  
**Director-General**  
**Cathedral International Model United Nations, 2019**

**Letter from the Chair**

With the amount of data being created every day and the accessibility of the internet, it's become increasingly important to protect the intellectual property of the people creating this data.

As well as information and the responsibility of creating the very laws that protect intellectual property is in the hands of this committee the WIPO and its inclusion in this edition of CIMUN signifies a paradigm shift in how aware younger generations are about copyright and IP rights.

However due the easily accessible nature of the agendas I urge all the delegates to their own research as personal investment will always lead to better experience for all of us, looking forward to seeing all of you in our sessions

**Ilhan Rajan,  
Chair of WIPO**



**Letter from the Co-chair**

Dear Delegates,

Inviting all of you to WIPO, in CIMUN 2019, gives me immense honor and pleasure. Having you in my committee this CIMUN, makes me believe that you will be well prepared with your Agendas and will know the stances, statements and previous history concerning your country. In order to make yourself stand-out in comparison to other delegates in the committee, one must do great amount of research which not just means about his own country but also other countries which will keep you updated about the position of all the delegates.

Being the co-chair of the committee, I would like to ensure that the committee works successfully under the guidance of the chair and all the delegates get to keep their points on the floor.

All the delegates can feel free to contact me as well as the chair in case of any assistance required. Looking forward to working with you at the conference.

Warm regards,



**Rochisshil Varma,  
Co-chair of WIPO**

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## **Introduction**

90% of the data in the world today has been created in the last two years alone and with the sheer amount of data being produced it becomes increasingly important to protect this data and that's where the WIPO comes in.

WIPO is the global forum for intellectual property (IP) services, policy, information, and cooperation. It is a self-funded agency of the United Nations, with 192 member states. Its mission is to lead the development of a balanced and effective international IP system that enables innovation and creativity for the benefit of all.

Our mandate, governing bodies and procedures are set out in the WIPO Convention, which established WIPO in 1967.

## **Main Functions**

- A policy forum to shape balanced international IP rules for a changing world;
- Global services to protect IP across borders and to resolve disputes;
- Technical infrastructure to connect IP systems and share knowledge;
- Cooperation and capacity-building programs to enable all countries to use IP for economic, social and cultural development;
- Maintain the flow of information and allow for free speech worldwide to function with the realms of current copyright law



## **Agenda A: International Intellectual Property Regimes as a Way to Protect and Promote the Correct Usage of Intellectual Work**

### **What is Intellectual Property?**

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

The intellectual property protection rights are highlighted in Article 27 of the Universal Declaration of Human Rights.

### **Types of Intellectual Property**

#### 1) Copyright:

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture, and films, computer programs, databases, advertisements, maps, and technical drawings.

#### 2) Patents:

A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.

#### 3) Trademarks

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.

#### 4) Industrial designs

An industrial design constitutes the ornamental or aesthetic aspect of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or two-dimensional features, such as patterns, lines or color.

#### 5) Geographical indications

Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods.

### **Important laws and acts to keep in mind**

#### The Digital Millennium Copyright Act (DMCA)

It is a 1998 United States copyright law that implements two 1996 treaties of the World Intellectual Property Organization (WIPO).

It criminalizes production and dissemination of technology, devices, or services intended to circumvent measures that control access to copyrighted works (commonly known as digital rights management or DRM). It also criminalizes the act of circumventing an access control, whether or not there is an actual infringement of copyright itself.

The DMCA is the gold standard for intellectual property throughout the world with it being used often to create the guidelines for several nation's copyright laws.

### A Creative Commons (CC) license

It is one of several public copyright licenses that enable the free distribution of an otherwise copyrighted "work". A CC license is used when an author wants to give other people the right to share, use, and build upon the work that they (the author) have created. CC provides an author flexibility (for example, they might choose to allow only non-commercial uses of a given work) and protects the people who use or redistribute an author's work from concerns of copyright infringement as long as they abide by the conditions that are specified in the license by which the author distributes the work.

It is important as it gives the producer of the work to decide how their work can be used by other people. Hence, it's important for delegates to delve deeper into the 4 types of creative commons attribution.

### EU Article 11 and 13

The controversial European Union articles may have waned slightly in popularity over the last few months as they have a 2-year gap after which they are fully implemented however they have been passed therefore are important to the committee and need to be discussed along with possible changes that may have to occur for the free flow of knowledge and for copyright law to uphold.

The main purpose of the articles was to tilt the balance of power **more towards the creator's side** as a majority of large organizations like Google and Facebook have been profiting from artists and publisher's work without due acknowledgment or royalties.

### Article 11

Article 11 calls for the introduction of a link tax which basically when implemented causes search engines and news sites to pay every time they are displaying or quoting from another website which means that Google will have to start displaying fewer webpages or restrict some sites to prevent them paying tax which would be horrible not only for the free flow of data around the world but also prevents proper journalism as data from other countries like blogs and news may get increasingly harder to locate.

### Article 13

As a large majority of creatives held an opinion that large organizations weren't doing enough to prevent the mass reproduction and monetization of their work without any of the commercial windfall coming to them.

This links into our second agenda as this article forces companies like Youtube, Instagram, and Facebook to pay the creator every time someone essentially copies their work which will make the aforementioned websites enlist stronger and stronger filters to prevent copyright infringement meaning the algorithms in place for them can prevent free speech and this level of content moderation can greatly impact current content creators for these websites as they will be unable to use any sort of content from a third party.

However, the more serious damage can be caused to smaller news organizations and websites as they won't be able to use such strong content moderation filters which will cause them to go into loss as they will be paying for everything they use or force them to buy said filters from larger organizations seemingly creating a business model for the very companies the law initially had a problem with for exploiting creatives.

### **Key terms Related to Creative Commons:**

### **Attribution**

Licensees may copy, distribute, display and perform the work and make derivative works and remixes based on it only if they give the author or licensor the credits.

### **Share-Alike**

Licensees may distribute derivative works only under a license identical ("not more restrictive") to the license that governs the original work.

## **Negative Effects of Wrong Intellectual Property Usage**

Theft of trade secrets, including product formulas, specifications, marketing plans, customer lists and other proprietary information could lead to loss of economic benefit to a company. This can damage the company's reputation and profits.

Patent theft occurs leads to copying of an already patented invention and putting it on the market without the patent owner's permission or licensing again leading to loss of profits

Trademark theft can lead to brand confusion thus, deceive the consumers as they buy a good that may not be of the original brand and may be less expensive.

Copyright theft, especially downloading of music files, leads to huge losses for music recording companies.

### **Challenges**

Working out how to ensure that these valuable IP rights are usable

Ensuring that their value is preserved in the face of relentless infringement on an enormous scale

Varying laws and practices in different jurisdictions make it difficult to navigate the legal landscape for violation of IP rights

### **Solutions**

Educating consumers and creating respect for IP rights

Bilateral engagement for proper solutions and government involvement

Formulating an entire framework of remedies that will help deliver an effective enforcement regime and will have the right balance between the production and the distribution of new ideas.

## Case Studies

Case studies to understand how copyright law functions are important as they allow you to gain a basic understanding of at least the basic nuances of the law in these cases and how similarity and plagiarism play an important role in the verdict of all 3 case studies below but a delegates research should not be restricted to these cases and they are welcome to bring in other cases as a form of precedence to back any of the arguments they make in session.

<https://copyrightalliance.org/copyright-law/copyright-cases/rimini-street-v-oracle/>

<https://copyrightalliance.org/copyright-law/copyright-cases/rentmeester-v-nike/>

<https://copyrightalliance.org/copyright-law/copyright-cases/capitol-records-v-redigi/>

## Guiding Questions

Since most of the debate on this agenda will **revolve on the current implementation and how certain countries can do more to enforce copyright law**, most of the arguments should focus on changes, improvements or any other creative methods that they have in mind to allow for better implementation of current copyright structure or a new structure that the delegates see fit.

1. What can be done to prevent countries like China that don't abide by copyright guidelines set by the WIPO from stealing and profiting off others' IP?
2. How do articles 11 and 13 of the EU impact content consumed in the EU but produced in other countries?
3. What changes can be made to current copyright directives to make them easier to enforce?
4. How should countries whose art and cultural history has been taken and put on display in other countries be compensated?
5. Possible changes to the proposed articles 11 and 13 which are going to put into effect shortly?
6. Should countries be owed a portion of the profit from goods that were traditionally only manufactured in their country and consumed by their people like Ghana and Kenya with coffee, diamonds from sierra leone or vodka from Russia these could be in the sale price as "origin country tax"?

## **AGENDA B: EFFECTIVENESS OF CONTENT CLAIMS AND STRIKES ON SOCIAL MEDIA PLATFORMS**

A copyright protects the owner of a certain type of intellectual property such as books, plays, movies, and theater. With the advent of the internet and its excessive use by people all over the world, people must be aware of what they post, write and say because if they are unaware or do not fear any statutory actions, owner's content will move from Instagram to Twitter to Facebook to Tumblr without attribution along the way. People must ensure that their content is not a copy of another's work or it could have legal implications.

For this, tools such as provision of content claim has been given to content owners by social media platforms. These platforms also have their own automatic mechanisms for countering any copying of original content by online users. Although effective in several instances as they are economical as well as react quickly thereby avoiding monetary loss to content owners, they are composed of several flaws as well that need to be acknowledged.

Through this agenda you will get a chance to explore the world of social media and parts of it you didn't have a lot of knowledge about. This will give you a chance to talk about matters regarding a platform your whole generation is immersed in- so read carefully.

Berne Convention for the Protection of Literary and Artistic Works (1886)

The Berne Convention deals with the protection of work and the rights of their authors.

Its core provision is that each of the contracting countries shall provide automatic protection for works first published in other countries of the Berne Union and for unpublished works whose authors are citizens of or resident in such other countries.

### **What are Content Claims and Strikes?**

A copyright claim is issued when one uploads something that one does not own the copyright to the copyright owner may earn profits from the video posted, the video can be blocked in certain territories, countries and even worldwide.

On sites like YouTube, sometimes this sentence is seen: "Video taken down: Copyright strike" beside the video if it was removed as the result of a copyright takedown notice.

If the video was removed through a copyright takedown notice, a copyright strike has been applied to one's account and it affects one's ability to earn profits from the video (monetize), live stream and upload long videos.

Not only YouTube, but several other sites like MySpace, Ustream and other smaller sites are adopting such forms of Content ID as well.

### **Effectiveness**

It makes social media platforms a place for more and more commercially produced content that assures protection to content providers in the form of Content ID thereby, increasing the willingness of providers to use the given social media platform.

It thus, poses less of a possibility that content owners will threaten a suit or that they will avoid using that social media platform altogether.

### **Problems Faced**

Copyright protection system places more burden on content creators to dispute copyright claims. But, rights holders easily cause copyright strikes and even generate revenue by filing a claim. An example of this can be read here about how Youtube's copyright system was abused by extorters: <https://www.bbc.com/news/technology-47227937>

Although Youtube, for example, has brought a change in their policy, this change only relates to manually filed claims and not those which are automatically detected which can still cause great disadvantage to people against whom the claim is filed and may even cause significant errors. It lacks transparency- one is presumed guilty of infringement and defenses are usually easy to be adjudicated by the owner.

Challenges also relate to freedom of speech.

### **What is Fair Use?**

Fair use is a copyright principle based on the belief that the public is entitled to freely use portions of copyrighted materials for purposes of commentary and criticism.

If the copyright owner disagrees with your fair use interpretation, the dispute may have to be solved legally because if the owner doesn't feel it is fair use- you are infringing upon his rights and may be liable for damages.

### **User- Generated Content**

It refers to various forms of content created by consumers or end-users of an online system or service which is publicly available to others consumers and end-users.

However it has several disadvantages including lack of monitoring negative content and unknown sources of information. Read about this particular case for better understanding:

<https://www.allaboutadvertisinglaw.com/2017/03/a-timely-reminder-to-re-examine-your-ip-clearance-protocol-anheuser-busch-sued-by-individual-for-use-of-a-photo-she-posted-to-social-media.html>

### **Case Studies**

#### **1) North Jersey Media Group, Inc. v. Pirro**

Pirro publish a photograph which was copyrighted work of Thomas E. Franklin of North Jersey Media Group Inc. (NJMG) on Facebook NJMG got that image registered with U.S. Copyright Office. However, on account of Pirro Fox news Pirro combined that image with another and posted the same on that account. NJMG filed a copyright infringement suit against Fox News and as usual Fox News used the 'fair use' defense.

The Southern District Court of New York rejected Fox's argument and held that merely adding a "Hashtag" and making small alterations to the image is not sufficient. In other words, the picture failed to create new insight and understanding for the audience and cannot claim warrant protection under fair use.

#### **2) NASA- DMCA Takedown**

When the Mars Rover landed, NASA fed the footage live to the public via YouTube, or shall we say it tried to do so. Scripps News shut down the feed because the material it used to check for infringing uploads contained standard NASA footage that Scripps had included in its own broadcasts. Hours passed before the feed could be restored.

#### **3) HADOPI (High Authority for Copyright Protection and Dissemination of Works on the Internet) Law in France (revised)**

It constituted a three-strike procedure and once a user has been denied Internet access, they are added to a blacklist that prohibits them from obtaining an Internet connection from other ISPs. This law did not actually succeed in counteracting the constant rise of online piracy, nor did it succeed in discouraging the use of peer-to-peer file-sharing networks.

Now, under the revised law, the new authority will investigate suspected cases of piracy and will have the power to issue two written warnings before a judge can order an Internet connection to be disconnected and a fine of up to 30,000 euros (\$43,900).

#### **4) Facebook- Freebooting (2015)**

<https://time.com/4009015/facebook-youtube-freebooting/>

#### **5) The Napster Case in the United States**

It put an international spotlight on unauthorized downloading of music files and resulted in the court issuing a permanent injunction preventing Napster from operating its file sharing system.

The claim was that Napster facilitated illegal copying by users of the system, not that Napster copied the files itself.

#### **6) Oracle vs Google (2010- present)**

The litigation involves how much copyright protection should extend to Oracle's Java programming language, which Google used to design the Android operating system that runs most of the world's smartphones. This case is a very relevant case- so do read about it for your understanding.

### **Possible Solutions**

Giving the content creators more power when content claim is filed against them.  
Mechanism for identifying false claims and making the mechanism more credible.

### **Guiding Questions**

How can a balance between the copyright owner's rights and the freedom of expression of social media users be created effectively?

In what other ways can Content ID be improved?

What is Legislative Serendipity?

How can downloading, embedding and re-posting of user content not conflict with copyright infringement, especially when these are technological capabilities integrated into social media platforms?

*Sample Draft Resolution:*

## **DRAFT RESOLUTION 1.1**

Sponsors: Germany, France, United States of America, Estonia

Signatories: Latvia, Czech Republic, Somalia, India, Russian Federation

Committee: Economic and Social Council

Agenda: Promoting the access and use of renewable energy with a special emphasis on the use of nuclear energy

The Economic and Social Council,

Recognizes that the energy needs of the world community are on the continued rise and the existing conventional sources of energy might not be sufficient to meet the rising needs,

1. Recommends the United Nations Development Programme to submit a report to the Economic and Social Council at the next Ministerial Review in accordance with Article 64(1), with assistance from the United Nations Statistical Division and the UN-Energy, focusing upon the following-

- a) Prospects of nuclear energy in the future with respect to its viability in terms of availability, affordability and competitiveness, with due regard to the social costs and possible risks,
- b) Possibility of energy security if in case nuclear energy is completely phased-out,
- c) Feasible alternatives in terms of sustainability, availability, affordability and competitiveness, with a special focus on renewable sources;

2. Appeals to the nations to increase the share and role of renewable sources of energy in their energy mix, while also diversifying their respective energy mix in order to make the systems more reliable and reduce investment risks, if in case the report indicates nuclear energy to be feasible;

3. Requests nations to look into and implement the technical advancements in energy infrastructure and usage suggested in the ‘Special Report on Renewable Energy Sources and Climatic Change Mitigation’ by the IPCC;
  4. Urges the nations to undertake measures for improving energy efficiency and reduce wasteful use of energy by following the 25-point strategy recommended by the International Energy.
- 

### **Credible Sources:**

1. Reuters
2. Al Jazeera
3. BBC
4. All UN Websites
5. All Official Government Websites
6. WION
7. Russian Times
8. CIA World Factbook
9. Economic Times

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[https://www.wipo.int/treaties/en/ip/berne/summary\\_berne.html](https://www.wipo.int/treaties/en/ip/berne/summary_berne.html)

<https://www.reuters.com/article/us-oracle-google-court/google-asks-u-s-supreme-court-to-end-oracle-copyright-case-idUSKCN1PI2WC>

**Good Luck Reading and Researching Delegates!**

**We Look Forward to Productive Discussion's and Stimulating Committee Sessions to Make This CIMUN 2019 Memorable.**

**Please Do Not Limit Your Research to This Guide, Use It as A Benchmark For Your Further Research.**

